

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

NORTHERN DYNASTY MINERALS LTD.,
et al,

Plaintiffs,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, *et al.* ,

Defendants,

And

BRISTOL BAY NATIVE ASSOCIATION,
INC., *et al.*,

Intervenor-Defendants.

STATE OF ALASKA,

Plaintiff,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY,

Defendant,

and

TROUT UNLIMITED, *et al.*,

Intervenor-Defendants.

Case No. 3:24-cv-00059

CONSOLIDATED

LEAD CASE

Case No. 3:24-cv-00084-SLG

CONSOLIDATED

ILIAMNA NATIVES, LTD., *et al.*,

Plaintiffs,

v.

ENVIRONMENTAL PROTECTION
AGENCY, *et al.*,

Defendants,

and

BRISTOL BAY ECONOMIC
DEVELOPMENT CORPORATION, *et al.*,

Intervenor-Defendants.

Case No. 3:21-cv-00132-SLG

CONSOLIDATED

DECLARATION OF JEFFREY M. WALKER

I, Jeffrey M. Walker, declare and state as follows:

1. I am a partner at the law firm of Squire Patton Boggs (US) LLP, and counsel to plaintiffs Northern Dynasty Minerals Ltd. and Pebble Limited Partnership (collectively “PLP”), in the above-captioned matter.

2. I submit this declaration in support of PLP’s Motion for Leave to Obtain Extra-Record Discovery to Complete, or in the Alternative Supplement, the Administrative Record, and its Motion to Complete or Supplement the United States Army Corps of Engineers’ Administrative Record.

3. Attached hereto as **Exhibit 2**, is a true and correct copy of the Declaration of James Fuego, in his then capacity as Vice President of Permitting for PLP, dated January 19, 2021, which is available at the following link: <https://northerndynastyminerals.com/>

site/assets/files/4888/plp-request-for-appeal-poa-2017-00271-jan-19-2021.pdf, starting at page 60 (last accessed on December 13, 2024).

4. Attached hereto as **Exhibit 3**, is a true and correct copy of the Memorandum of Agreement between the Department of the Army and the Environmental Protection Agency concerning Mitigation Sequence for Wetlands in Alaska under Section 404 of the Clean Water Act, dated June 15, 2018, which is available at the following link https://www.epa.gov/sites/default/files/2018-06/documents/epa_army_moa_alaska_mitigation_cwa_404_06-15-2018_0.pdf (last accessed on December 13, 2024).

5. Attached hereto as **Exhibit 4**, is a true and correct copy of an extract from the book: Scheyder, Ernest, *The War Below: Lithium, Copper, and the Global Battle to Power Our Lives*, First One Signal Publishers/Atria Books hardcover edition. New York, One Signal Publishers/Atria, 2024, p. 167.

6. Attached hereto as **Exhibit 5**, is a true and correct copy of the article *Senators Murkowski and Sullivan Comment on Army Corps Decision on Pebble Mine*, published by Lisa Murkowski and Dan Sullivan with a date stamp of August 24, 2020, which is available at the following link: <https://www.murkowski.senate.gov/press/release/senators-murkowski-and-sullivan-comment-on-army-corps-decision-on-pebble-mine> (last accessed on December 13, 2024).

7. Attached hereto as **Exhibit 6**, is a true and correct copy of the article *Controversial Alaska gold mine opposed by Trump Jr. isn't dead, administration privately tells conservatives*, written by Abby Smith and published in the Washington Examiner, with a date stamp of August 28, 2020, which is available at the following link:

<https://www.washingtonexaminer.com/news/844366/controversial-alaska-gold-mine-opposed-by-trump-jr-isnt-dead-administration-privately-tells-conservatives/> (last accessed on December 13, 2024).

8. Attached hereto as **Exhibit 7**, is a true and correct copy of the article *Republican push to block controversial Alaska gold mine gains the White House's attention*, written by Juliet Eilperin, Ashley Parker, and Steven Mufson and published by the Washington Post with a date stamp of August 20, 2020, which is available at the following link: <https://www.washingtonpost.com/climate-environment/2020/08/20/republican-push-block-controversial-alaskan-gold-mine-gains-white-houses-attention/> (last accessed on December 13, 2024).

9. Attached hereto as **Exhibit 8**, is a true and correct copy of the article *Trump Administration to Pause Permit for Alaska's Pebble Mine on Monday*, written by Juliet Eilperin and Ashley Parker and published by the Washington Post with a date stamp of August 22, 2020, which is available at the following link: <https://www.washingtonpost.com/climate-environment/2020/08/22/trump-administration-pause-permit-alaskas-pebble-mine-monday/> (last accessed on December 13, 2024).

10. Attached hereto as **Exhibit 9**, is a true and correct copy of the article *Trump Set to Block Controversial Alaska Gold Mine*, written by Zack Colman & Alex Guillén and published by Politico with a date stamp of August 22, 2020, which is available at the following link: <https://www.politico.com/news/2020/08/22/trump-set-to-block-alaska-pebble-mine-400206> (last accessed on December 13, 2024).

11. Attached hereto as **Exhibit 10**, is a true and correct copy of the article *Army finds Pebble Mine project cannot be permitted as proposed*, published by U.S. Army Public Affairs with a date stamp of August 24, 2020, which is available at the following link: https://www.army.mil/article/238426/army_finds_pebble_mine_project_cannot_be_permitted_as_proposed (last accessed on December 13, 2024).

12. Attached hereto as **Exhibit 11**, is a true and correct copy of the article *Former Trump Advisor Urges The President To Kill Thousands Of Jobs*, written by Patrick Gleason and published by Forbes with a date stamp of August 26, 2020, which is available at the following link: <https://www.forbes.com/sites/patrickgleason/2020/08/26/former-trump-advisor-urges-the-president-to-kill-thousands-of-jobs/?sh=6492609a5679> (last accessed on December 13, 2024).

13. Attached hereto as **Exhibit 12**, is a true and correct copy of the social media post by Donald Trump, Jr. under the username @DonaldJTrumpJr, published to Twitter with a date stamp of August 4, 2020 (quoting @nick_ayers, Twitter (Aug. 4, 2020) and published at: <https://twitter.com/DonaldJTrumpJr/status/1290723762523045888> (last accessed on December 13, 2024).

14. Attached hereto as **Exhibit 13**, is a true and correct copy of the Northern Dynasty Minerals, Ltd.'s website and page headed Reserves & Resources for the Pebble Project, which is available at the following link: <https://northerndynastyminerals.com/pebble-project/reserves-resources-1/> (last accessed on December 13, 2024).

15. Attached hereto as **Exhibit 14**, is a true and correct copy of the U.S. Geological Survey's Mineral Commodity Summaries (2024), which is available at the following link: <https://pubs.usgs.gov/periodicals/mcs2024/mcs2024.pdf> (last accessed on December 13, 2024).

16. Attached hereto as **Exhibit 15**, is a true and correct copy of the Sabin Metal Corporation's website and page headed Precious Metal Refining , which is available at the following link: <https://www.sabinmetal.com/services/precious-metal-refining> (last accessed on December 13, 2024).

17. Attached hereto as **Exhibit 16**, is a true and correct copy of the Sabin Metal Corporation's website and page headed Leadership by a Dedicated and Seasoned Team, which is available at the following link: <https://www.sabinmetal.com/company/leadership> (last accessed on December 13, 2024).

18. Attached hereto as **Exhibit 17**, is a true and correct copy of the article Sabin Metal Corporation's website and reviewed the page headed About Sabin Metal, which is available at the following link: <https://www.sabinmetal.com/company/about> (last accessed on December 13, 2024).

19. Attached hereto as **Exhibit 18**, is a true and correct copy of the Administrative Appeal Decision, Clean Water Act, No. POA-2017-00271, for the U.S. Army Corps of Engineers Alaska District (Apr. 24, 2023), which is available at the following link: https://www.pod.usace.army.mil/Portals/6/docs/regulatory/appeals/00%20-%20Administrative%20Appeal%20Decision_Pebble%20Limited%20Partnership_POA%20

2017-00271_24APR2023%20signed.pdf?ver=AeBaqnWLBfmyKCl5QX7Y7A%3d%3d (last accessed on December 13, 2024).

20. Attached hereto as **Exhibit 19**, is a true and correct copy of IHS Markit, *The Future of Copper: Will the Looming Supply Gap Short-Circuit the Energy Transition?* (July 2022), which is available at the following link: https://cdn.ihsmarkit.com/www/pdf/1022/The-Future-of-Copper_Full-Report_SPGlobal.pdf (last accessed on December 13, 2024).

21. On December 13, 2024, I accessed the video of President Trump's News Conference posted by the U.S. Department of State with a date stamp of August 5, 2020, which is available at the following link: <https://www.youtube.com/live/IGnp-JOsvvw?si=aWYSZTkNfaytfpjH>.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed On: December 13, 2024



Jeffrey M. Walker